

House File 2165

H-8007

1 Amend House File 2165 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. LEGISLATIVE FINDINGS. The general  
5 assembly recognizes the importance of encouraging  
6 individuals to discuss and make health care decisions  
7 before a situation necessitates an actual decision.  
8 The general assembly also recognizes that health  
9 care planning is a process, rather than a single  
10 decision, based upon the individual's values and  
11 personal health status. Advance directives provide  
12 the opportunity for an individual to enunciate and  
13 document the individual's wishes and to identify the  
14 person authorized to make decisions for the individual  
15 if the individual is unable to make decisions. The  
16 general assembly recognizes that the physician  
17 orders for scope of treatment form, modeled after  
18 the national physician orders for life-sustaining  
19 treatment paradigm initiative, complements advance  
20 directives by converting individual wishes contained  
21 in advance directives, or as otherwise expressed,  
22 into medical orders that may be recognized and acted  
23 upon across medical settings, thereby enhancing the  
24 ability of medical providers to understand and honor  
25 patients' wishes. An Iowa physician orders for scope  
26 of treatment form is intended for individuals who are  
27 frail and elderly or who have a chronic, critical  
28 medical condition or a terminal illness.

29 Sec. 2. NEW SECTION. 144D.1 Physician orders for  
30 scope of treatment.

31 As used in this chapter, unless the context  
32 otherwise requires:

33 1. *"Advanced registered nurse practitioner"* means  
34 an advanced registered nurse practitioner licensed  
35 pursuant to chapter 152 or 152E.

36 2. *"Department"* means the department of public  
37 health.

38 3. *"Emergency medical care provider"* means emergency  
39 medical care provider as defined in section 147A.1.

40 4. *"Health care facility"* means health care facility  
41 as defined in section 135C.1, a hospice program as  
42 defined in section 135J.1, an elder group home as  
43 defined in section 231B.1, and an assisted living  
44 program as defined in section 231C.2.

45 5. *"Health care provider"* means an individual,  
46 including an emergency medical care provider and  
47 an individual providing home and community-based  
48 services, and including a home health agency, licensed,  
49 certified, or otherwise authorized or permitted by the  
50 law of this state to administer health care in the

1 ordinary course of business or in the practice of a  
2 profession.

3 6. *"Home health agency"* means home health agency as  
4 defined in 42 C.F.R. pt. 484.

5 7. *"Hospital"* means hospital as defined in section  
6 135B.1.

7 8. *"Legal representative"* means an individual  
8 authorized to execute a POST form on behalf of a  
9 patient who is not competent to do so, in the order  
10 of priority set out in section 144A.7, subsection 1,  
11 and guided by the express or implied intentions of the  
12 patient or, if such intentions are unknown, by the  
13 patient's best interests given the patient's overall  
14 medical condition and prognosis.

15 9. *"Patient"* means an individual who is frail  
16 and elderly or who has a chronic, critical medical  
17 condition or a terminal illness and for which a  
18 physician orders for scope of treatment is consistent  
19 with the individual's goals of care.

20 10. *"Physician"* means a person licensed to practice  
21 medicine and surgery or osteopathic medicine and  
22 surgery in this state.

23 11. *"Physician assistant"* means a person licensed as  
24 a physician assistant under chapter 148C.

25 12. *"Physician orders for scope of treatment form"*  
26 or *"POST form"* means a document containing medical  
27 orders which may be relied upon across medical  
28 settings that consolidates and summarizes a patient's  
29 preferences for life-sustaining treatments and  
30 interventions and acts as a complement to and does not  
31 supersede any valid advance directive.

32 Sec. 3. NEW SECTION. 144D.2 **Physician orders for**  
33 **scope of treatment (POST) form.**

34 1. The POST form shall be a uniform form based  
35 upon the national physician orders for life-sustaining  
36 treatment paradigm form. The form shall have all of  
37 the following characteristics:

38 a. The form shall include the patient's name and  
39 date of birth.

40 b. The form shall be signed and dated by the  
41 patient or the patient's legal representative.

42 c. The form shall be signed and dated by the  
43 patient's physician, advanced registered nurse  
44 practitioner, or physician assistant.

45 d. If preparation of the form was facilitated by an  
46 individual other than the patient's physician, advanced  
47 registered nurse practitioner, or physician assistant,  
48 the facilitator shall also sign and date the form.

49 e. The form shall include the patient's wishes  
50 regarding the care of the patient, including but not

1 limited to all of the following:  
2 (1) The administration of cardiopulmonary  
3 resuscitation.  
4 (2) The level of medical interventions in the event  
5 of a medical emergency.  
6 (3) The use of medically administered nutrition by  
7 tube.  
8 (4) The rationale for the orders.  
9 f. The form shall be easily distinguishable to  
10 facilitate recognition by health care providers,  
11 hospitals, and health care facilities.  
12 g. An incomplete section on the form shall imply  
13 the patient's wishes for full treatment for the type of  
14 treatment addressed in that section.  
15 2. The department shall prescribe the uniform  
16 POST form and shall post the form on the department's  
17 website for public availability.  
18 Sec. 4. NEW SECTION. 144D.3 Compliance with POST  
19 form.  
20 1. A POST form executed in this state or another  
21 state or jurisdiction in compliance with the law of  
22 that state or jurisdiction shall be deemed valid and  
23 enforceable in this state to the extent the form is  
24 consistent with the laws of this state, and may be  
25 accepted by a health care provider, hospital, or health  
26 care facility.  
27 2. A health care provider, hospital, or health  
28 care facility may comply with an executed POST form,  
29 notwithstanding that the physician, advanced registered  
30 nurse practitioner, or physician assistant who signed  
31 the POST form does not have admitting privileges at the  
32 hospital or health care facility providing health care  
33 or treatment.  
34 3. A POST form may be revoked at any time and in  
35 any manner by which the patient or a patient's legal  
36 representative is able to communicate the patient's  
37 intent to revoke, without regard to the patient's  
38 mental or physical condition. A revocation is only  
39 effective as to the health care provider, hospital, or  
40 health care facility upon communication to the health  
41 care provider, hospital, or health care facility by  
42 the patient, the patient's legal representative, or by  
43 another to whom the revocation was communicated.  
44 4. In the absence of actual notice of the  
45 revocation of a POST form, a health care provider,  
46 hospital, health care facility, or any other person who  
47 complies with a POST form shall not be subject to civil  
48 or criminal liability or professional disciplinary  
49 action for actions taken under this chapter which are  
50 in accordance with reasonable medical standards. A

1 health care provider, hospital, health care facility,  
2 or other person against whom criminal or civil  
3 liability or professional disciplinary action is  
4 asserted because of conduct in compliance with this  
5 chapter may interpose the restriction on liability in  
6 this paragraph as an absolute defense.

7 5. A health care provider, hospital, or health care  
8 facility that is unwilling to comply with an executed  
9 POST form based on policy, religious beliefs, or moral  
10 convictions shall take all reasonable steps to transfer  
11 the patient to another health care provider, hospital,  
12 or health care facility.

13 Sec. 5. NEW SECTION. 144D.4 General provisions.

14 1. If an individual is a qualified patient as  
15 defined in section 144A.2, the individual's declaration  
16 executed under chapter 144A shall control health care  
17 decision making for the individual in accordance with  
18 chapter 144A. If an individual has not executed a  
19 declaration pursuant to chapter 144A, health care  
20 decision making relating to life-sustaining procedures  
21 for the individual shall be governed by section 144A.7.  
22 A POST form shall not supersede a declaration executed  
23 pursuant to chapter 144A.

24 2. If an individual has executed a durable power  
25 of attorney for health care pursuant to chapter 144B,  
26 the individual's durable power of attorney for health  
27 care shall control health care decision making for the  
28 individual in accordance with chapter 144B. A POST  
29 form shall not supersede a durable power of attorney  
30 for health care executed pursuant to chapter 144B.

31 3. If the individual's physician has issued an  
32 out-of-hospital do-not-resuscitate order pursuant to  
33 section 144A.7A, the POST form shall not supersede the  
34 out-of-hospital do-not-resuscitate order.

35 4. Death resulting from the withholding or  
36 withdrawal of life-sustaining procedures pursuant to an  
37 executed POST form and in accordance with this chapter  
38 does not, for any purpose, constitute a suicide,  
39 homicide, or dependent adult abuse.

40 5. The executing of a POST form does not affect  
41 in any manner the sale, procurement, or issuance  
42 of any policy of life insurance, nor shall it be  
43 deemed to modify the terms of an existing policy of  
44 life insurance. A policy of life insurance is not  
45 legally impaired or invalidated in any manner by the  
46 withholding or withdrawal of life-sustaining procedures  
47 pursuant to this chapter notwithstanding any term of  
48 the policy to the contrary.

49 6. A health care provider, hospital, health care  
50 facility, health care service plan, insurer issuing

1 disability insurance, self-insured employee welfare  
2 benefit plan, or nonprofit hospital plan shall  
3 not require any person to execute a POST form as a  
4 condition of being insured for, or receiving, health  
5 care services.

6 7. This chapter does not create a presumption  
7 concerning the intention of an individual who has  
8 not executed a POST form with respect to the use,  
9 withholding, or withdrawal of life-sustaining  
10 procedures in the event of a terminal condition.

11 8. This chapter shall not be interpreted to affect  
12 the right of an individual to make decisions regarding  
13 use of life-sustaining procedures as long as the  
14 individual is able to do so, nor to impair or supersede  
15 any right or responsibility that any person has to  
16 effect the withholding or withdrawal of medical care in  
17 any lawful manner. In that respect, the provisions of  
18 this chapter are cumulative.

19 9. This chapter shall not be construed to condone,  
20 authorize, or approve mercy killing or euthanasia, or  
21 to permit any affirmative or deliberate act or omission  
22 to end life other than to permit the natural process  
23 of dying.>

24 2. Title page, by striking lines 1 through 3 and  
25 inserting <An Act relating to physician orders for  
26 scope of treatment.>

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FRY of Clarke